

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA**

DOCKET NO. 2020-263-E

In the Matter of:

Cherokee County Cogeneration Partners,
LLC, Complainant/Petitioner v. Duke
Energy Progress, LLC and Duke Energy
Carolinas, LLC, Defendant/Respondent

**MOTION FOR ADMISSION
PRO HAC VICE**

Duke Energy Progress, LLC and Duke Energy Carolinas, LLC by and through undersigned counsel, respectfully moves the Public Service Commission of South Carolina (the "Commission") to permit Edward Brett Breitschwerdt to practice *pro hac vice* before the Commission in the above-referenced matter. Pursuant to Rule 404 of the South Carolina Appellate Court Rules, Edward B. Breitschwerdt has filed a Verified Application for Admission *Pro Hac Vice* with the South Carolina Supreme Court Office of Bar Admissions. A copy of his Application, as filed with the Supreme Court, is attached.

Respectfully submitted this 23rd day of June, 2021.



Frank R. Ellerbe, III
Robinson Gray Stepp & Laffitte, LLC
1310 Gadsden Street
Columbia, South Carolina 29211
Telephone: 803.929.1400
E-mail: fellerbe@robinsongray.com

*Attorney for Duke Energy Carolinas, LLC and
Duke Energy Progress, LLC*

**VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*
IN THE STATE OF SOUTH CAROLINA**

<u>Cherokee County Cogeneration Partners, LLC</u>	<u>2020-263-E</u>	<u>Public Service Commission of South Carolina</u>
Plaintiff	Case No.	Tribunal

vs.

<u>Duke Energy Progress, LLC and Duke Energy Carolinas, LLC</u>	Mailing Address of Tribunal: <u>101 Executive Center Drive</u>
Defendant	<u>Suite 100</u> <u>Columbia, SC 29210</u>

Comes now Edward Brett Breitschwerdt, applicant herein, and respectfully represents the following:

1. Applicant resides at:
1531 Caswell Street
 Street Address
Raleigh Wake NC 27603
 City County State Zip Code
(919) 755-6563
 Telephone

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of)
McGuireWoods LLP, with offices at
501 Fayetteville Street, Suite 500
 Street Address
Raleigh Wake NC 27601
 City County State Zip Code
(919) 755-6563 (828) 279-8726 (919) 755-6579 bbreitschwerdt@mcguirewoods.com
 Primary Telephone Cell Phone Fax Number Email Address

3. Applicant has been retained personally or as a member of the above-named law firm by
Duke Energy Progress, LLC and Duke Energy Carolinas, LLC to provide legal representation in
 connection with the above case now pending before the above-named tribunal of the State of South Carolina.

4. Since March of 2010, applicant has been, and presently is, a
 member in good standing of the bar of the highest court of the District of Columbia or the State of
North Carolina where applicant regularly practices law. Attached is a certificate of good
 standing dated within the last 90 days from the bar of the highest court of the District of Columbia or the State
 where applicant regularly practices law.

5. Applicant has been admitted to practice before the following courts: (List all of the following courts
 applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of
 Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.)

Court:	Date Admitted:
Supreme Court of North Carolina	04/29/2010

Court:	Date Admitted:
Supreme Court of Ohio	11/05/2007

Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below: (List any court named in the preceding paragraph that applicant is no longer admitted to practice before.)

N/A

6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency, except as provided below (give particulars, e.g., jurisdiction, court date):

Affirmed

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

Affirmed

8. Applicant never has had any certificate or privilege to appear and practice before any court or administrative body suspended or revoked, except as provided below (give particulars, e.g., date, court, administrative body, date of suspension and reinstatement):

Affirmed

9. Local counsel of record associated with applicant in this case is Frank R. Ellerbe, III
of the Robinson Gray Stepp & Laffitte, LLC law firm, which has offices at:

<u>1310 Gadsden Street</u>			
Street Address			
<u>Columbia</u>	<u>Richland</u>	<u>SC</u>	<u>29211</u>
City	County	State	Zip Code
<u>(803) 929-1400</u>	<u>(803) 227-1112</u>	<u>(803) 929-0300</u>	<u>fellerbe@robinsongram.com</u>
Primary Telephone	Cell Phone	Fax Number	Email Address
<u>1866</u>			
South Carolina Bar Number			

10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

(1)
Name/Address of Tribunal: SC Public Service Commission, 101 Executive Center Dr., Ste 100, Columbia, South Carolina 29210
Case Name: Duke Energy Carolinas, LLC's and Duke Energy Progress, LLC's 2021 Avoided Costs Proceeding Pursuant to S.C. Code Ann. Section 58-41-20(A)
Case No.: 2021-89-E/ 2021-90-E Consolidated

Application Filed: June 2021
 Status: Proceeding Remains Open
 Local Counsel of Record: Frank R. Ellerbe, III
 Application Granted: Pending

(2)
 Name/Address of Tribunal: SC Public Service Commission, 101 Executive Center Dr., Ste 100, Columbia, South Carolina 29210
 Case Name: South Carolina Energy Freedom Act (House Bill 3659) Proceeding Related to S.C. Code Ann. Section 58-37-40 and Integrated Resource Plans for Duke Energy Carolinas, LLC
 Case No.: 2019-224-E
 Application Filed: March 8, 2021
 Status: Proceeding Remains Open, Matter Under Consideration
 Local Counsel of Record: Rebecca Dulin
 Application Granted: March 31, 2021

(3)
 Name/Address of Tribunal: SC Public Service Commission, 101 Executive Center Dr., Ste 100, Columbia, South Carolina 29210
 Case Name: South Carolina Energy Freedom Act (H.3659) Proceeding to Establish Duke Energy Carolinas, LLC's Standard Offer, Avoided Cost Methodologies, Form Contract Power Purchase Agreements, Commitment to Sell Forms, and Any Other Terms or Conditions Necessary (Includes Small Power Producers as Defined in 16 United States Code 796, as Amended) - S.C. Code Ann. Section 58-41-20(A)
 Case No.: 2019-185-E
 Application Filed: 8/19/2019
 Status: Proceeding Remains Open
 Local Counsel of Record: Rebecca Dulin
 Application Granted: 8/28/2019

(4)
 Name/Address of Tribunal: SC Public Service Commission, 101 Executive Center Dr., Ste 100, Columbia, South Carolina 29210
 Case Name: South Carolina Energy Freedom Act (H.3659) Proceeding to Establish Duke Energy Progress, LLC's Standard Offer, Avoided Cost Methodologies, Form Contract Power Purchase Agreements, Commitment to Sell Forms, and Any Other Terms or Conditions Necessary (Includes Small Power Producers as Defined in 16 United States Code 796, as Amended) - S.C. Code Ann. Section 58-41-20(A)
 Case No.: 2019-186-E
 Application Filed: 8/19/2019
 Status: Proceeding Remains Open
 Local Counsel of Record: Rebecca Dulin
 Application Granted: 8/28/2019

(5)
 Name/Address of Tribunal: SC Public Service Commission, 101 Executive Center Dr., Ste 100, Columbia, South Carolina 29210
 Case Name: Proceeding for Approval of the Public Utility Regulatory Policies Act of 1978 (PURPA) Avoided cost Rates for Electric Companies
 Case No.: 1995-1192-E
 Application Filed: 11/30/2018
 Status: Proceeding Remains Open

Local Counsel of Record: Rebecca Dulin

Application Granted: 12/19/2018

(6)

Name/Address of Tribunal: SC Public Service Commission, 101 Executive Center Dr., Ste 100, Columbia, South Carolina 29210

Case Name: Joint application of Duke Energy Carolinas, LLC and Duke Energy Progress, LLC and South Carolina Electric and Gas Company for Approval of the Revised South Carolina Interconnection Standard

Case No.: 2015-362-E

Application Filed: 10/14/2015

Status: Proceeding Remains Open

Local Counsel of Record: Charles A. Castle

Application Granted: 11/4/2015

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

12. Applicant respectfully requests to be admitted to practice in the above-named tribunal for this case only.

DATED this 18th day of June, 20 21



APPLICANT

VERIFICATIONSTATE OF North Carolina)COUNTY OF Wake)

I, Edward Brett Breitschwerdt, do hereby swear or affirm under penalty of perjury that I am the applicant in the above-styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true. I understand that I am under a continuing duty to promptly update the information provided in the application until the tribunal has ruled on the motion for admission pro hac vice. Further, if the motion is granted, I understand that I am under a continuing duty to promptly update the information provided in the application as long as I continue to appear pro hac vice in the action or proceeding. Any updated information shall be provided to both the tribunal that granted the motion and to the tribunal in which the action or proceeding may then be pending.

E. Brett Breitschwerdt
APPLICANT/AFFIANT

Subscribed and sworn to before me this 18th day of June, 20 21

Sonna J. Greene

Notary Public for the State of North CarolinaMy Commission Expires: March 6, 2024

SONNA J. GREENE
NOTARY PUBLIC
WAKE COUNTY, N.C.

LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 23rd day of June, 20 21

[Signature]
LOCAL COUNSEL OF RECORD

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court by mail addressed to: South Carolina Supreme Court Office of Bar Admissions, PO Box 11330, Columbia, SC 29211, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court on this

18 day of June, 20 21

[Signature]
APPLICANT/AFFIANT

The North Carolina State Bar

I, Alice Neece Mine, Secretary of the North Carolina State Bar,

do hereby certify that

Mr. Edward Breitschwerdt (Bar # 40667)

was licensed to practice law by the State of North Carolina on March 27, 2010.

Said lawyer is presently an active member of the North Carolina State Bar and is eligible to practice law in North Carolina.

Said lawyer is not subject to a pending order of administrative or disciplinary suspension.

Said lawyer's financial account with the State Bar is current.

Therefore, said lawyer is in good standing with the North Carolina State Bar.

Given over my hand and the Seal of the North Carolina State Bar,
this the 3rd day of May, 2021.



Alice Neece Mine
Secretary of the North Carolina State Bar

